

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSIE KUYKENDALL,

Plaintiff,

Civil Action No. 13-CV-12900

vs.

HON. MARK A. GOLDSMITH

LAW OFFICE OF
JOE PEZZUTO, LLC, et al.,

Defendants.

**ORDER (1) VACATING THE ORDER TO SHOW CAUSE (DKT. 9), (2) DENYING
WITHOUT PREJUDICE PLAINTIFF'S REQUEST TO CONDUCT DISCOVERY,
AND (3) STRIKING DEFENDANTS' MOTION FOR AN EXTENSION OF TIME
(DKT. 16)**

This matter is before the Court on the Court's review of (i) Plaintiff's responses to the Court's order to show cause for Plaintiff's failure to prosecute (Dkts. 14 and 15) and (ii) Defendant's "Motion for Extension of Time to Answer or Otherwise Plead" (Dkt. 16).

On August 23, 2013, Plaintiff timely responded to the Court's order to show cause and has demonstrated good cause, so that the Court vacates its order to show cause. Plaintiff also requests that the Court order discovery to commence so that she can obtain evidence for class certification. Pl.'s Resp. ¶ 6 (Dkt. 14). The Court denies this request at this time because Defendant CACH, LLC, the remaining defendant, has yet to file an answer and Defendants Law Office of Joe Pezzutto and Joe Pezzuto seek an extension of time to file an answer.

With regard to the motion for an extension of time by Defendants Law Office of Joe Pezzuto, LLC and Joe Pezzuto (Dkt. 16), the motion contains ten paragraphs, but lacks a brief. Under Local Rule 7.1(d)(1)(A), each motion, unless the court permits otherwise, "must be accompanied by a single brief." The brief may be separate from or may be contained within the motion or response. L.R. 7.1(d)(1)(A). If contained within the motion, "the brief

must begin on a new page and must be clearly identified as the brief.” Id. Here, Defendants’ motion does not contain a brief and the Court will not permit the motion lacking a brief provided that the Clerk has entered a default against Defendants.

Accordingly, the Court vacates its order to show cause (Dkt. 9) and strikes Defendants’ motion (Dkt. 16).

SO ORDERED.

Dated: September 9, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 9, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager